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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/789,152 | 02/27/2004 | Motokazu Yasui | 43780.011401 | 8994 |
| 22850 | 7590 | 09/14/2005 | | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | EXAMINER NGUYEN, ANTHONY H | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2854 | |
| DATE MAILED: 09/14/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,152

Applicant(s)

YASUI ET AL.

Examiner

Anthony H. Nguyen

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/2/04 and 5/9/05 (3 pages)
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

The terminal disclaimer filed on July 1, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the US patent # 6,719,469 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by Konishi (JP 05-131696).

Konishi teaches an ink jet printer having a housing 1, an ink jet recording head 8 for printing on two sides of a record sheet (P) and a sheet feeding mechanism 6, 10 and 12 which feeds a portion of a printed sheet to a location outside or a sheet output tray 11 and feeds the sheet back into the housing for printing the other side of the sheet via a re-feeding path 13 as shown in Fig.1 of Konishi.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Konishi (JP 05-131696) in view of Goto et al. (US 5,225,881).

Konishi teaches all that is claimed, except the second sheet ejection path having a switchback mechanism. Goto et al. teaches an image recording apparatus having a housing 100 (Goto et al., Fig.2), a paper source or an input cassette or tray 4a, a sheet transportation path having transport rollers 6a,7a,8,9, a first sheet ejection path 10 including ejection rollers (no numeral reference) and a first sheet diverting mechanism 12 configured for diverting the printed sheet to the first ejection path, a second sheet ejection path 13a having a switchback mechanism 35a, 35b (Goto et al., Figs.5-8), or 62 (Goto et al., Figs.11-13c) including the second sheet diverting mechanism 14c,14d,14e positioned in the second sheet ejection path for directing the recording sheet to an image recording station 3. In view of the teaching of Goto et al., it would have been obvious to one of ordinary skill in the art to modify the inkjet recording apparatus of Konishi by providing the second sheet ejection path as taught by Goto et al. for quickly feeding the other side of paper to the print head for printing.

Response to Arguments

Applicants' arguments filed on July 1, 2005 have been fully considered but they are not persuasive of any error in the above rejections.

Applicant argues that the Konishi does not teach the sheet feeding mechanism for feeding the dried printed sheet back into the housing for printing on the second side and that there is no delay for feeding the printed sheet back into the housing as recited in the claims.

However, applicants' arguments are more specific than the limitations in the claims. For example, there is no "delay time or a timer" for feeding the printed sheet back into the housing in any claims. The claims required that at least a portion of a recording sheet is fed to "a location outside of the housing to expedite drying of the ink drops after the first side of the sheet has been printed". Clearly, Konishi teaches the just printed sheet (P) which is fed to a location outside of the housing 1, i.e., the tray 11 and the printed sheet is fed back into the housing by the feeding mechanism 12. The drying of the ink which is just printed on the sheet is inherently expedited since the sheet is fed outside of the housing as recited in claims 1-4. Also, Goto is cited to show conventional use of a switchback mechanism in a second sheet ejection path. Thus, the combination of Konishi and Goto renders obvious the structure as recited in claims 3 and 4.

Art Unit: 2854

Conclusion

Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169.

The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (571) 272-2168.

The fax phone number for this Group is (571) 273-8300.



Anthony Nguyen
9/9/05
Patent Examiner